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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,111	12/02/2005	Marco Braun	40149/00301	1245

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EXAMINER	
CHENEVERT, PAUL A	
ART UNIT	PAPER NUMBER
3612	
MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,111	BRAUN ET AL.	
	Examiner	Art Unit	
	Paul A. Chenevert	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13-16,20-22 and 25* is/are pending in the application.

4a) Of the above claim(s) *25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13-16 and 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 11, 13-16 & 20-22, drawn to the control panel, classified in class 296, subclass 70.

II. Claim 25, drawn to the method of cutting out a cuboid, classified in class 29, subclass 1.

2. Inventions I and II are related as product made and process of making. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the control panel can be made by other methods.

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either

instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. During a telephone conversation with Oleg F. Kaplun on 13MAR09 a provisional election was made without traverse to prosecute the invention of I, claims 11, 13-16 & 20-22. Affirmation of this election must be made by applicant in replying to this Office action. Claim 25 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Response to Arguments

6. Applicant's arguments with respect to claims 11, 13-16 & 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 11, 13 & 15 are **newly** rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al. (US 5,762,395; 09JUN98) in view of obvious common knowledge.

Merrifield et al. disclose a control panel (instrument panel assembly 14 with a cross car support structure 16) for an automotive vehicle, comprising: a frame structure (single plastic beam 40) that is force-absorbing and constructed from linear elements, areas of the frame structure which are delimited by the linear elements being sealed at least partially by plastic sheet elements (structural substrate layer 67), the areas being covered with a decorative layer (instrument panel cover 60), the sheet elements being connected to the linear elements by an integral material connection, the frame structure being directly connected to at least one of an end wall (vehicle side structure 10) and a body of the vehicle, the frame structure being constructed such that a cross-member arranged between A-columns of the vehicle is dispensable.

In regards to 13, the linear elements, when installed in the control panel, have a U-shaped cross-section.

In regards to 15, the decorative layer covers substantially an entire surface of an upper side of the control panel.

However, Merrifield et al. do not expressly disclose that the frame structure is determined by a grid profile to arrange the linear elements extending along force flow lines; nor that the frame structure is made of fibres bonded with a thermoplastic material

In regards to the process step of linear elements being arranged by a grid profile along force flow lines, process steps are not given patentable weight in a product claim (see MPEP section 2113).

The Examiner hereby takes Official Notice that selecting fibres bonded with a thermoplastic material is an obvious material choice, which was notoriously well known to a person having ordinary skill in the art at the time of the invention.

The suggestion/motivation for doing so would have been to allow for a lightweight, strong frame structure, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the frame structure of Merrifield et al. by combining fibres bonded with a thermoplastic material to obtain the invention as specified in claim 11, as taught by the prior references' motivation and obvious common knowledge, and not hindsight from the applicants disclosure.

9. Claim 14 is **newly** rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al., as modified, in view of Wada et al. (US 3,834,842 A; 10SEP74).

Merrifield et al., as modified, disclose a control panel as described above.

However, Merrifield et al., as modified, do not expressly disclose that each of the linear elements is a strip of honeycomb sandwich structure.

Wada et al. disclose a control panel employing a honeycomb sandwich structure.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the control panel of Merrifield et al., as modified, to employ a honeycomb sandwich structure, as taught by Wada et al.

The suggestion/motivation for doing so would have been to allow for a strengthened impact absorbing control panel, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the control panel of Merrifield et al., as modified, by combining a honeycomb sandwich structure with the sheet elements to obtain the invention as specified in claim 14, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

10. Claims 16, 20, 21 are **newly** rejected under 35 U.S.C. 102(b) as being anticipated by Merrifield et al. in view of Barnes (US 5,333,901; 02AUG94).

Merrifield et al. disclose a method of manufacturing a control panel for an automotive vehicle, comprising: providing a frame structure constructed from linear elements, areas of the frame structure being delimited by linear elements being sealed at least partially by plastic sheet elements; and covering the areas with a decorative layer, wherein the frame structure is constructed such that a cross-member arranged between the A-columns of the vehicle is dispensable and the frame structure is directly connected to at least one of an end wall and a body of the vehicle.

In regards to 20, the linear elements are a prefabricated self-supporting frame.

In regards to 21, the linear elements are individual pieces.

However, Merrifield et al. do not expressly disclose an integral connection between the linear elements and the plastic sheet elements is achieved by surrounding the linear elements with a plastic material in a moulding tool thereby forming the integrally connected plastic sheet elements.

Barnes discloses a method of manufacturing a control panel for an automotive vehicle, comprising: providing a frame structure (20) constructed from linear elements (128), areas of the frame structure being delimited by linear elements being sealed at least partially by plastic sheet elements (38); and an integral connection between the linear elements and the plastic sheet elements is achieved by surrounding the linear elements with a plastic material (36) in a moulding tool thereby forming the integrally connected plastic sheet elements.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of manufacturing a control panel of Merrifield et al., to employ plastic material surrounding the linear elements, as taught by Barnes.

The suggestion/motivation for doing so would have been to provide an integral connection between the linear elements and the plastic sheet, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the method of manufacturing a control panel of Merrifield et al. by combining plastic material with the linear elements to obtain the invention as specified in claim 16, as taught by the prior references' motivation, and not hindsight from the Applicants' disclosure.

11. Claim 22 is **newly** rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al., as modified, in view of Delmastro (US 6,354,623 B 1; 12MAR02).

Merrifield et al., as modified, disclose a method for manufacturing a control panel as described above.

However, Merrifield et al., as modified, do not expressly disclose that the linear elements are one of bundles of continuous fibres and strips of mat material, the mat material being embodied as a fabric, the fabric being one of a single-layer fabric and a multilayer fabric, the fabric being one of a non-woven fabric and a woven fabric.

Delmastro discloses an automotive control panel (10) formed by linear elements made of bundles of continuous fibres and strips of mat material, the mat material being embodied as a fabric, the fabric being one of a single-layer fabric and a multilayer fabric, the fabric being one of a non-woven fabric and a woven fabric.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method for manufacturing a control panel of Merrifield et al., as modified, to employ fiber materials, as taught by Delmastro.

The suggestion/motivation for doing so would have been to allow for a strengthened impact absorbing control panel, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the method for manufacturing a control panel of Merrifield et al., as modified, by combining a honeycomb sandwich structure with the sheet elements to obtain the invention as specified in claim 22, as taught by the prior references' motivation, and not hindsight from the Applicants' disclosure.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571)272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GLENN DAYOAN/
Supervisory Patent Examiner, Art Unit 3612

Paul A. Chenevert
Examiner
Art Unit 3612

PAC
13MAR09